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CHANDIGARH ADMINISTRATION

EDUCATION DEPARTMENT

DIRECTORATE OF SCHOOL EDUCATION

Notification

The 3rd June, 2020

No. 4(1)2020(S)(E).—Whereas, the use of Aadhaar as an identity document for delivery of services or benefits or subsidies simplifies the Government delivery processes, bring in transparency and efficiency, and enables beneficiaries to get their entitlements directly in a convenient and seamless manner by obviating the need to produce multiple documents to prove one's identity ;

And whereas, the Education Department, Chandigarh Administration (hereinafter referred to as the Department) has framed a scheme for administering Attendance Scholarship to Girls students from I to V Class (herein after referred to as the Scheme) through Direct Benefit Transfer, with an object to enrol maximum girl students and to improve the attendance of Girl Students from I to V class in Govt. Schools under Chandigarh Administration, which is being implemented through the District Education Officer, U.T., Chandigarh (hereinafter referred to as the Implementation Agency) ;

And whereas, under the Scheme, Attendance Scholarship to Girls students from I to V Class (hereinafter referred to as the benefit) is given to all the Girls students from Classes I to V of Government Schools of U.T., Chandigarh (hereinafter referred to as the beneficiaries) by the Implementing Agency as per the extant Scheme guidelines ;

And whereas, the aforesaid Scheme involves recurring expenditure incurred from the Consolidated Fund of India.

Now, therefore, in pursuance of Section 7 of the Aadhaar (Targeted Delivery of Financial and other Subsidies, benefits and Services) Act, 2016 (18 of 2016) (hereinafter referred to as the said Act), the Administrator, Union Territory, Chandigarh Administration hereby notifies the following, namely :—

1. (1) A child desirous of availing the benefit under the Scheme shall hereby be required to furnish proof of possession of Aadhaar number or undergo Aadhaar authentication.

(2) Any child desirous of availing the benefit under the Scheme, who does not possess the Aadhaar number or, has not yet enrolled for Aadhaar, shall be required to make application of Aadhaar enrolment subject to the consent of his parents or guardians, before registering for the Scheme provided that he is entitled to obtain Aadhaar as per Section 3 of the said Act and such children shall visit any Aadhaar Enrolment Centre (list available at the Unique Identification Authority of India (UIDAI) website www.uidai.gov.in) to get enrolled for Aadhaar.

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(3) As per the Regulation 12 of the Aadhaar (Enrolment and Update) Regulations, 2016, the Department through its Implementing Agency, is required to offer Aadhaar enrolment facilities for the beneficiaries who are not yet enrolled for Aadhaar and in case there is no Aadhaar enrolment centre located in the respective area of the beneficiaries, the Department through its Implementing Agency shall provide Aadhaar enrolment facilities at convenient locations in coordination with the existing Registrars of UIDAI or by becoming a UIDAI Registrar themselves :

Provided that till the time Aadhaar is assigned to the child, the benefit under the Scheme shall be given to such children subject to production of the following documents, namely :—

- (a) if the child has been enrolled after attaching the age of five years (with biometric collection), his Aadhar Enrolment Identification slip, or of bio-metric update identification slip; and
- (b) any one of the following documents, namely :—
 - (i) Birth Certificate; or Record of birth issued by the appropriate authority; or
 - (ii) School identity card, duly signed by the Principal of the school, containing parent's names; and
- (c) any one of the following documents as proof of relationship of the beneficiary with the parent or legal guardian as per the extant Scheme guidelines, namely :—
 - (i) Birth Certificate; or Record of birth issued by the appropriate authority; or
 - (ii) Ration Card; or
 - (iii) Ex-Servicemen contributory Health Scheme (ECHS) Card; or Employees' State Insurance Corporation (ESIC) Card; or Central Government Health Scheme (CGHS) Card; or
 - (iv) Pension Card; or
 - (v) Army Canteen Card; or
 - (vi) any Government Family Entitlement Card; or
 - (vii) any other document as specifies by the Department :

Provided further that the above documents shall be checked by an officer specifically designated by the Department for that purpose.

2. In order to provide benefits to the beneficiaries under the Scheme conveniently, the Department through its Implementing Agency shall make all the required arrangements to ensure that wide publicity through media shall be given to the beneficiaries to make them aware of the said requirement.

3. In all cases, where Aadhaar authentication fails due to poor biometrics of the beneficiaries or due to any other reason, the following remedial mechanisms shall be adopted namely:-

- (a) in case of poor finger print quality, iris scan or face authentication facility shall be adopted for authentication, thereby the Department through its Implementing Agency shall make provision for iris scanners or face authentication along with finger-print authentication for delivery of benefits in seamless manner ;
- (b) in case the biometric authentication through fingerprints or iris scan or face authentication is not successful, wherever feasible and admissible authentication by Aadhaar One-Time Password or Time-based One-Time Password with limited time validity, as the case may be, shall be offered;

- (c) in all other cases where biometric or Aadhaar One Time Password (OTP) or Time-based One-Time Password authentication is not possible, benefits under the scheme may be given on the basis of physical Aadhaar letter whose authenticity can be verified through the Quick Response (QR) code printed on the Aadhaar letter and the necessary arrangements of QR code reader shall be provided at the convenient locations by the Department through its Implementing Agency.

4. Notwithstanding anything contained herein above, no child shall be denied benefit under the Scheme in case of failure to establish his identity by undergoing authentication, or furnishing proof of possession of Aadhaar number, or in the case of a child to whom no Aadhaar number has been assigned, producing an application for enrolment. The benefit shall be given to him by verifying his identity on the basis of the other documents as mentioned in clauses (b) and (c) of the proviso of sub paragraph (3) of paragraph 1, and where benefits is given on the basis of such other documents, a separate register shall be maintained to record the same, which shall be reviewed and audited periodically by the Department through its Implementing Agency.

5. This notification shall come into effect from the date of its publication in Official Gazette of Chandigarh Administration.

(F. No. _____)

ARUN KUMAR GUPTA, IAS,
Principal Secretary Education,
Chandigarh Administration.

CHANDIGARH ADMINISTRATION
EDUCATION DEPARTMENT
DIRECTORATE OF SCHOOL EDUCATION

Notification

The 3rd June, 2020

NO. 4(2)2020(S)(E). —Whereas, the use of Aadhaar as an identity document for delivery of services or benefits or subsidies simplifies the Government delivery processes, bring in transparency and efficiency, and enables beneficiaries to get their entitlements directly in a convenient and seamless manner by obviating the need to produce multiple documents to prove one's identity ;

And whereas, the Education Department, Chandigarh Administration (hereinafter referred to as the Department) has formulated a scheme for administering Attendance Scholarship to SC/ST students from 1st to 8th Class (herein after referred to as the Scheme) through Direct Benefit Transfer, with an object to ensure enrolment of all SC/ST students of the age group of 6-14 years i.e. from to I to VIII class, which is being implemented through the District Education Officer, U.T., Chandigarh (hereinafter referred to as the Implementation Agency) ;

And whereas, under the Scheme, Attendance Scholarship to SC/ST students from 1st to 8th Class (hereinafter referred to as the benefit) is given to all the SC/ST students from 1st to 8th Class (hereinafter referred to as the beneficiaries) by the Implementing Agency as per the extant Scheme guidelines ;

And whereas, the aforesaid Scheme involves recurring expenditure incurred from the Consolidated Fund of India.

Now, therefore, in pursuance of Section 7 of the Aadhaar (Targeted Delivery of Financial and other Subsidies, benefits and Services) Act, 2016 (18 of 2016) (hereinafter referred to as the said Act), the Administrator, Union Territory, Chandigarh Administration hereby notifies the following, namely :—

1. (1) A child desirous of availing the benefit under the Scheme shall hereby be required to furnish proof of possession of Aadhaar number or undergo Aadhaar authentication.

(2) Any child desirous of availing the benefit under the Scheme, who does not possess the Aadhaar Number or, has not yet enrolled for Aadhaar, shall be required to make application of Aadhaar enrolment subject to the consent of his parents or guardians, before registering for the Scheme provided that he is entitled to obtain Aadhaar as per Section 3 of the said Act and such children shall visit any Aadhaar Enrolment Centre (list available at the Unique Identification Authority of India (UIDAI) website www.uidai.gov.in) to get enrolled for Aadhaar.

(3) As per the Regulation 12 of the Aadhaar (Enrolment and Update) Regulations, 2016, the Department through its Implementing Agency, is required to offer Aadhaar enrolment facilities for the beneficiaries who are not yet enrolled for Aadhaar and in case there is no Aadhaar enrolment centre located in the respective area of the beneficiaries, the Department through its Implementing Agency shall provide Aadhaar enrolment facilities at convenient locations in coordination with the existing Registrars of UIDAI or by becoming a UIDAI Registrar themselves :

Provided that till the time Aadhaar is assigned to the child, the benefit under the Scheme shall be given to such children subject to production of the following documents, namely :—

- (a) if the child has been enrolled after attaching the age of five years (with biometric collection), his Aadhaar Enrolment Identification slip, or of bio-metric update identification slip; and
- (b) any one of the following documents, namely :—
 - (i) Birth Certificate; or Record of birth issued by the appropriate authority; or
 - (ii) School identity card, duly signed by the Principal of the school containing parent's names; and
- (c) any one of the following documents as proof of relationship of the beneficiary with the parent or legal guardian as per the extant Scheme guidelines, namely :—
 - (i) Birth Certificate; or Record of birth issued by the appropriate authority; or
 - (ii) Ration Card; or
 - (iii) Ex-Servicemen contributory Health Scheme (ECHS) Card; or Employees' State Insurance Corporation (ESIC) Card; or Central Government Health Scheme (CGHS) Card; or
 - (iv) Pension Card; or
 - (v) Army Canteen Card; or
 - (vi) any Government Family Entitlement Card; or
 - (vii) any other document as specifies by the Department :

Provided further that the above documents shall be checked by an officer specifically designated by the Department for that purpose.

2. In order to provide benefits to the beneficiaries under the Scheme conveniently, the Department through its Implementing Agency shall make all the required arrangements to ensure that wide publicity through media shall be given to the beneficiaries to make them aware of the said requirement.

3. In all cases, where Aadhaar authentication fails due to poor biometrics of the beneficiaries or due to any other reason, the following remedial mechanisms shall be adopted namely :—

- (a) in case of poor finger print quality, iris scan or face authentication facility shall be adopted for authentication, thereby the Department through its Implementing Agency shall make provision for iris scanners or face authentication along with finger-print authentication for delivery of benefits in seamless manner;
- (b) in case the biometric authentication through fingerprints or iris scan or face authentication is not successful, wherever feasible and admissible authentication by Aadhaar One-Time Password or Time-based One-Time Password with limited time validity, as the case may be, shall be offered;
- (c) in all other cases where biometric or Aadhaar One-Time Password (OTP) or Time-based One-Time Password authentication is not possible, benefits under the scheme may be given on the basis of physical Aadhaar letter whose authenticity can be verified through the Quick Response (QR) code printed on the Aadhaar letter and the necessary arrangements of QR code reader shall be provided at the convenient locations by the Department through its Implementing Agency.

4. Notwithstanding anything contained herein above, no child shall be denied benefit under the Scheme in case of failure to establish his identity by undergoing authentication, or furnishing proof of possession of Aadhaar number, or in the case of a child to whom no Aadhaar number has been assigned, producing an application for enrolment. The benefit shall be given to him by verifying his identity on the basis of the other documents as mentioned in clauses (b) and (c) of the proviso of sub paragraph (3) of paragraph 1, and where benefits is given on the basis of such other documents, a separate register shall be maintained to record the same, which shall be reviewed and audited periodically by the Department through its Implementing Agency.

5. This notification shall come into effect from the date of its publication in Official Gazette of Chandigarh Administration.

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ARUN KUMAR GUPTA, IAS,
Principal Secretary Education,
Chandigarh Administration.

CHANDIGARH ADMINISTRATION
EDUCATION DEPARTMENT
DIRECTORATE OF SCHOOL EDUCATION

Notification

The 3rd June, 2020

No. 4(3)2020(S)(E).—Whereas, the use of Aadhaar as an identity document for delivery of services or benefits or subsidies simplifies the Government delivery processes, bring in transparency and efficiency, and enables beneficiaries to get their entitlements directly in a convenient and seamless manner by obviating the need to produce multiple documents to prove one's identity ;

And whereas, the Education Department, Chandigarh Administration (hereinafter referred to as the Department) has framed a scheme for administering Assistance to Physically Challenged students from 1st to 8th class (herein after referred to as the Scheme) through Direct Benefit Transfer, with an object of providing financial assistance to physically challenged students, which is being implemented through the District Education Officer, U.T., Chandigarh (hereinafter referred to as the Implementation Agency) ;

And whereas, under the Scheme, Assistance to Physically Challenged students from 1st to 8th class (hereinafter referred to as the benefit) is given to the physically challenged students from 1st to 8th Class (hereinafter referred to as the beneficiaries) by the Implementing Agency as per the extant Scheme guidelines ;

And whereas, the aforesaid Scheme involves recurring expenditure incurred from the Consolidated Fund of India.

Now, therefore, in pursuance of Section 7 of the Aadhaar (Targeted Delivery of Financial and other Subsidies, benefits and Services) Act, 2016 (18 of 2016) (hereinafter referred to as the said Act), the Administrator, Union Territory, Chandigarh Administration hereby notifies the following, namely :—

1. (1) A child desirous of availing the benefit under the Scheme shall hereby be required to furnish proof of possession of Aadhaar number or undergo Aadhaar authentication.

(2) Any child desirous of availing the benefit under the Scheme, who does not possess the Aadhaar Number or, has not yet enrolled for Aadhaar, shall be required to make application of Aadhaar enrolment subject to the consent of his parents or guardians, before registering for the Scheme provided that he is entitled to obtain Aadhaar as per Section 3 of the said Act and such children shall visit any Aadhaar Enrolment Centre (list available at the Unique Identification Authority of India (UIDAI) website www.uidai.gov.in) to get enrolled for Aadhaar.

(3) As per the Regulation 12 of the Aadhaar (Enrolment and Update) Regulations, 2016, the Department through its Implementing Agency, is required to offer Aadhaar enrolment facilities for the beneficiaries who are not yet enrolled for Aadhaar and in case there is no Aadhaar enrolment centre located in the respective area of the beneficiaries, the Department through its Implementing Agency shall provide Aadhaar enrolment facilities at convenient locations in coordination with the existing Registrars of UIDAI or by becoming a UIDAI Registrar themselves:

Provided that till the time Aadhaar is assigned to the child, the benefit under the Scheme shall be given to such children subject to production of the following documents, namely :—

- (a) if the child has been enrolled after attaching the age of five years (with biometric collection), his Aadhaar Enrolment Identification slip, or of bio-metric update identification slip; and
- (b) any one of the following documents, namely :—
 - (i) Birth Certificate; or Record of birth issued by the appropriate authority; or
 - (ii) School identity card, duly signed by the Principal of the school, containing parent's names; and
- (c) any one of the following documents as proof of relationship of the beneficiary with the parent or legal guardian as per the extant Scheme guidelines, namely:-
 - (i) Birth Certificate; or Record of birth issued by the appropriate authority; or
 - (ii) Ration Card or
 - (iii) Ex-Servicemen contributory Health Scheme (ECHS) Card; or Employees' State Insurance Corporation (ESIC) Card; or Central Government Health Scheme (CGHS) Card; or
 - (iv) Pension Card; or

- (v) Army Canteen Card; or
- (vi) any Government Family Entitlement Card; or
- (vii) any other document as specifies by the Department :

Provided further that the above documents shall be checked by an officer specifically designated by the Department for that purpose.

2. In order to provide benefits to the beneficiaries under the Scheme conveniently, the Department through its Implementing Agency shall make all the required arrangements to ensure that wide publicity through media shall be given to the beneficiaries to make them aware of the said requirement.

3. In all cases, where Aadhaar authentication fails due to poor biometrics of the beneficiaries or due to any other reason, the following remedial mechanisms shall be adopted namely:-

- (a) in case of poor finger print quality, iris scan or face authentication facility shall be adopted for authentication, thereby the Department through its Implementing Agency shall make provision for iris scanners or face authentication along with finger-print authentication for delivery of benefits in seamless manner;
- (b) in case the biometric authentication through fingerprints or iris scan or face authentication is not successful, wherever feasible and admissible authentication by Aadhaar One-Time Password or Time-based One- Time Password with limited time validity, as the case may be, shall be offered;
- (c) in all other cases where biometric or Aadhaar One-Time Password (OTP) or Time-based One-Time Password authentication is not possible, benefits under the scheme may be given on the basis of physical Aadhaar letter whose authenticity can be verified through the Quick Response (QR) code printed on the Aadhaar letter and the necessary arrangements of QR code reader shall be provided at the convenient locations by the Department through its Implementing Agency.

4. Notwithstanding anything contained herein above, no child shall be denied benefit under the Scheme in case of failure to establish his identity by undergoing authentication, or furnishing proof of possession of Aadhaar number, or in the case of a child to whom no Aadhaar number has been assigned, producing an application for enrolment. The benefit shall be given to him by verifying his identity on the basis of the other documents as mentioned in clauses (b) and (c) of the proviso of sub paragraph (3) of paragraph 1, and where benefits is given on the basis of such other documents, a separate register shall be maintained to record the same, which shall be reviewed and audited periodically by the Department through its Implementing Agency.

5. This notification shall come into effect from the date of its publication in Official Gazette of Chandigarh Administration.

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ARUN KUMAR GUPTA, IAS,
Principal Secretary Education,
Chandigarh Administration.

CHANDIGARH ADMINISTRATION
EDUCATION DEPARTMENT
DIRECTORATE OF SCHOOL EDUCATION

Notification

The 3rd June, 2020

NO. 4(4)2020(S)(E).—Whereas, the use of Aadhaar as an identity document for delivery of services or benefits or subsidies simplifies the Government delivery processes, bring in transparency and efficiency, and enables beneficiaries to get their entitlements directly in a convenient and seamless manner by obviating the need to produce multiple documents to prove one's identity ;

And whereas, the Education Department, Chandigarh Administration (hereinafter referred to as the Department) has framed a scheme for administering Award of Meritorious Scholarship to SC/ST students from 9th to 12th Class (herein after referred to as the Scheme) through Direct Benefit Transfer, with an object to improve the pass percentage of Students, which is being implemented through the District Education Officer, U.T., Chandigarh (hereinafter referred to as the Implementation Agency) ;

And whereas, under the Scheme, Award of Meritorious Scholarship to SC/ST students from 9th to 12th Class (hereinafter referred to as the benefit) is given for the improvement of pass percentage of students (hereinafter referred to as the beneficiaries) by the Implementing Agency as per the extant Scheme guidelines ;

And whereas, the aforesaid Scheme involves recurring expenditure incurred from the Consolidated Fund of India.

Now, therefore, in pursuance of Section 7 of the Aadhaar (Targeted Delivery of Financial and other Subsidies, benefits and Services) Act , 2016 (18 of 2016) (hereinafter referred to as the said Act), the Administrator, Union Territory, Chandigarh Administration hereby notifies the following, namely :—

1. (1) A child desirous of availing the benefit under the Scheme shall hereby be required to furnish proof of possession of Aadhaar number or undergo Aadhaar authentication.

(2) Any child desirous of availing the benefit under the Scheme, who does not possess the Aadhaar Number or, has not yet enrolled for Aadhaar, shall be required to make application of Aadhaar enrolment subject to the consent of his parents or guardians, before registering for the Scheme provided that he is entitled to obtain Aadhaar as per Section 3 of the said Act and such children shall visit any Aadhaar Enrolment Centre (list available at the Unique Identification Authority of India (UIDAI) website www.uidai.gov.in) to get enrolled for Aadhaar.

(3) As per the Regulation 12 of the Aadhaar (Enrolment and Update) Regulations, 2016, the Department through its Implementing Agency, is required to offer Aadhaar enrolment facilities for the beneficiaries who are not yet enrolled for Aadhaar and in case there is no Aadhaar enrolment centre located in the respective area of the beneficiaries, the Department through its Implementing Agency shall provide Aadhaar enrolment facilities at convenient locations in coordination with the existing Registrars of UIDAI or by becoming a UIDAI Registrar themselves :

Provided that till the time Aadhaar is assigned to the child, the benefit under the Scheme shall be given to such children subject to production of the following documents, namely :—

- (a) if the child has been enrolled after attaching the age of five years (with biometric collection), his Aadhaar Enrolment Identification slip, or of bio-metric update identification slip; and
- (b) any one of the following documents, namely :—
 - (i) Birth Certificate; or Record of birth issued by the appropriate authority; or
 - (ii) School identity card, duly signed by the Principal of the school, containing parent's names; and

- (c) any one of the following documents as proof of relationship of the beneficiary with the parent or legal guardian as per the extant Scheme guidelines, namely :—
- (i) Birth Certificate; or Record of birth issued by the appropriate authority; or
 - (ii) Ration Card; or
 - (iii) Ex-Servicemen contributory Health Scheme (ECHS) Card; or Employees' State Insurance Corporation (ESIC) Card; or Central Government Health Scheme (CGHS) Card; or
 - (iv) Pension Card; or
 - (v) Army Canteen Card; or
 - (vi) any Government Family Entitlement Card; or
 - (vii) any other document as specifies by the Department :

Provided further that the above documents shall be checked by an officer specifically designated by the Department for that purpose.

2. In order to provide benefits to the beneficiaries under the Scheme conveniently, the Department through its Implementing Agency shall make all the required arrangements to ensure that wide publicity through media shall be given to the beneficiaries to make them aware of the said requirement.

3. In all cases, where Aadhaar authentication fails due to poor biometrics of the beneficiaries or due to any other reason, the following remedial mechanisms shall be adopted namely :—

- (a) in case of poor finger print quality, iris scan or face authentication facility shall be adopted for authentication, thereby the Department through its Implementing Agency shall make provision for iris scanners or face authentication along with finger-print authentication for delivery of benefits in seamless manner;
- (b) in case the biometric authentication through fingerprints or iris scan or face authentication is not successful, wherever feasible and admissible authentication by Aadhaar One-Time Password or Time-based One-Time Password with limited time validity, as the case may be, shall be offered;
- (c) in all other cases where biometric or Aadhaar One-Time Password (OTP) or Time-based One-Time Password authentication is not possible, benefits under the scheme may be given on the basis of physical Aadhaar letter whose authenticity can be verified through the Quick Response (QR) code printed on the Aadhaar letter and the necessary arrangements of QR code reader shall be provided at the convenient locations by the Department through its Implementing Agency.

4. Notwithstanding anything contained herein above, no child shall be denied benefit under the Scheme in case of failure to establish his identity by undergoing authentication, or furnishing proof of possession of Aadhaar number, or in the case of a child to whom no Aadhaar number has been assigned, producing an application for enrolment. The benefit shall be given to him by verifying his identity on the basis of the other documents as mentioned in clauses (b) and (c) of the proviso of sub paragraph (3) of paragraph 1, and where benefits is given on the basis of such other documents, a separate register shall be maintained to record the same, which shall be reviewed and audited periodically by the Department through its Implementing Agency.

5. This notification shall come into effect from the date of its publication in Official Gazette of Chandigarh Administration.

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ARUN KUMAR GUPTA, IAS,
Principal Secretary Education,
Chandigarh Administration.

CHANDIGARH ADMINISTRATION
EDUCATION DEPARTMENT
DIRECTORATE OF SCHOOL EDUCATION

Notification

The 3rd June, 2020

NO. 4(5)2020(S)(E).—Whereas, the use of Aadhaar as an identity document for delivery of services or benefits or subsidies simplifies the Government delivery processes, bring in transparency and efficiency, and enables beneficiaries to get their entitlements directly in a convenient and seamless manner by obviating the need to produce multiple documents to prove one's identity ;

And whereas, the Education Department, Chandigarh Administration (hereinafter referred to as the Department) has framed a scheme for administering Stipend to SC/ST and BC students under State Harijan Welfare Scheme from 6th to 8th Class (hereinafter referred to as the Scheme) through Direct Benefit Transfer, with an object to provide financial help for the studies to the students, which is being implemented through the District Education Officer, U.T., Chandigarh (hereinafter referred to as the Implementation Agency);

And whereas, under the Scheme, Stipend to SC/ST and BC students under State Harijan Welfare Scheme from 6th to 8th Class (hereinafter referred to as the benefit) is given to the SC/ST and BC students (hereinafter referred to as the beneficiaries) by the Implementing Agency as per the extant Scheme guidelines;

And whereas, the aforesaid Scheme involves recurring expenditure incurred from the Consolidated Fund of India.

Now, therefore, in pursuance of Section 7 of the Aadhaar (Targeted Delivery of Financial and other Subsidies, benefits and Services) Act, 2016 (18 of 2016) (hereinafter referred to as the said Act), the Administrator, Union Territory, Chandigarh Administration hereby notifies the following, namely :—

1. (1) A child desirous of availing the benefit under the Scheme shall hereby be required to furnish proof of possession of Aadhaar number or undergo Aadhaar authentication.

(2) Any child desirous of availing the benefit under the Scheme, who does not possess the Aadhaar Number or, has not yet enrolled for Aadhaar, shall be required to make application of Aadhaar enrolment subject to the consent of his parents or guardians, before registering for the Scheme provided that he is entitled to obtain Aadhaar as per Section 3 of the said Act and such children shall visit any Aadhaar Enrolment Centre (list available at the Unique Identification Authority of India (UIDAI) website www.uidai.gov.in) to get enrolled for Aadhaar.

(3) As per the Regulation 12 of the Aadhaar (Enrolment and Update) Regulations, 2016, the Department through its Implementing Agency, is required to offer Aadhaar enrolment facilities for the beneficiaries who are not yet enrolled for Aadhaar and in case there is no Aadhaar enrolment centre located in the respective area of the beneficiaries, the Department through its Implementing Agency shall provide Aadhaar enrolment facilities at convenient locations in coordination with the existing Registrars of UIDAI or by becoming a UIDAI Registrar themselves :

Provided that till the time Aadhaar is assigned to the child, the benefit under the Scheme shall be given to such children subject to production of the following documents, namely :—

- (a) if the child has been enrolled after attaching the age of five years (with biometric collection), his Aadhaar Enrolment Identification slip, or of bio-metric update identification slip; and
- (b) any one of the following documents, namely :—
 - (i) Birth Certificate; or Record of birth issued by the appropriate authority; or
 - (ii) School identity card, duly signed by the Principal of the school, containing parent's names; and

- (c) any one of the following documents as proof of relationship of the beneficiary with the parent or legal guardian as per the extant Scheme guidelines, namely :—
- (i) Birth Certificate; or Record of birth issued by the appropriate authority; or
 - (ii) Ration Card; or
 - (iii) Ex-Servicemen contributory Health Scheme (ECHS) Card; or Employees' State Insurance Corporation (ESIC) Card; or Central Government Health Scheme (CGHS) Card; or
 - (iv) Pension Card; or
 - (v) Army Canteen Card; or
 - (vi) any Government Family Entitlement Card; or
 - (vii) any other document as specifies by the Department :

Provided further that the above documents shall be checked by an officer specifically designated by the Department for that purpose.

2. In order to provide benefits to the beneficiaries under the Scheme conveniently, the Department through its Implementing Agency shall make all the required arrangements to ensure that wide publicity through media shall be given to the beneficiaries to make them aware of the said requirement.

3. In all cases, where Aadhaar authentication fails due to poor biometrics of the beneficiaries or due to any other reason, the following remedial mechanisms shall be adopted namely :—

- (a) in case of poor finger print quality, iris scan or face authentication facility shall be adopted for authentication, thereby the Department through its Implementing Agency shall make provision for iris scanners or face authentication along with finger-print authentication for delivery of benefits in seamless manner;
- (b) in case the biometric authentication through fingerprints or iris scan or face authentication is not successful, wherever feasible and admissible authentication by Aadhaar One-Time Password or Time-based One-Time Password with limited time validity, as the case may be, shall be offered;
- (c) in all other cases where biometric or Aadhaar One Time Password (OTP) or Time-based One-Time Password authentication is not possible, benefits under the scheme may be given on the basis of physical Aadhaar letter whose authenticity can be verified through the Quick Response (QR) code printed on the Aadhaar letter and the necessary arrangements of QR code reader shall be provided at the convenient locations by the Department through its Implementing Agency.

4. Notwithstanding anything contained herein above, no child shall be denied benefit under the Scheme in case of failure to establish his identity by undergoing authentication, or furnishing proof of possession of Aadhaar number, or in the case of a child to whom no Aadhaar number has been assigned, producing an application for enrolment. The benefit shall be given to him by verifying his identity on the basis of the other documents as mentioned in clauses (b) and (c) of the proviso of sub paragraph (3) of paragraph 1, and where benefits is given on the basis of such other documents, a separate register shall be maintained to record the same, which shall be reviewed and audited periodically by the Department through its Implementing Agency.

5. This notification shall come into effect from the date of its publication in Official Gazette of Chandigarh Administration.

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ARUN KUMAR GUPTA, IAS,
Principal Secretary Education,
Chandigarh Administration.

CHANDIGARH ADMINISTRATION
EDUCATION DEPARTMENT
DIRECTORATE SCHOOL EDUCATION

Notification

The 3rd June, 2020

No. 4(6)2020(S)(E).—Whereas, the use of Aadhaar as an identity document for delivery of services or benefits or subsidies simplifies the Government delivery processes, bring in transparency and efficiency, and enables beneficiaries to get their entitlements directly in a convenient and seamless manner by obviating the need to produce multiple documents to prove one's identity ;

And whereas, the Education Department, Chandigarh Administration (hereinafter referred to as the Department) has framed a scheme for administering Merit Scholarship on the basis of 5th Class scholarship Exam to the students of 6th Class (hereinafter referred to as the Scheme) through Direct Benefit Transfer, with an object to improve the merit, which is being implemented through the District Education Officer, U.T., Chandigarh (hereinafter referred to as the Implementation Agency) ;

And whereas, under the Scheme, Merit Scholarship on the basis of 5th Class scholarship Exam to the students of 6th Class (hereinafter referred to as the benefit) is given to the students of 6th Class (hereinafter referred to as the beneficiaries) by the Implementing Agency as per the extant Scheme guidelines ;

And whereas, the aforesaid Scheme involves recurring expenditure incurred from the Consolidated Fund of India.

Now, therefore, in pursuance of section 7 of the Aadhaar (Targeted Delivery of Financial and other Subsidies, benefits and Services) Act, 2016 (18 of 2016) (hereinafter referred to as the said Act), the Administrator, Union Territory, Chandigarh Administration hereby notifies the following, namely :—

1. (1) A child desirous of availing the benefit under the Scheme shall hereby be required to furnish proof of possession of Aadhaar number or undergo Aadhaar authentication.

(2) Any child desirous of availing the benefit under the Scheme, who does not possess the Aadhaar Number or, has not yet enrolled for Aadhaar, shall be required to make application of Aadhaar enrolment subject to the consent of his parents or guardians, before registering for the Scheme provided that he is entitled to obtain Aadhaar as per Section 3 of the said Act and such children shall visit any Aadhaar Enrolment Centre (list available at the Unique Identification Authority of India (UIDAI) website www.uidai.gov.in) to get enrolled for Aadhaar.

(3) As per the Regulation 12 of the Aadhaar (Enrolment and Update) Regulations, 2016, the Department through its Implementing Agency, is required to offer Aadhaar enrolment facilities for the beneficiaries who are not yet enrolled for Aadhaar and in case there is no Aadhaar enrolment centre located in the respective area of the beneficiaries, the Department through its Implementing Agency shall provide Aadhaar enrolment facilities at convenient locations in coordination with the existing Registrars of UIDAI or by becoming a UIDAI Registrar themselves :

Provided that till the time Aadhaar is assigned to the child, the benefit under the Scheme shall be given to such children subject to production of the following documents, namely :—

- (a) if the child has been enrolled after attaching the age of five years (with biometric collection), his Aadhaar Enrolment Identification slip, or of bio-metric update identification slip; and
- (b) any one of the following documents, namely :—
 - (i) Birth Certificate; or Record of birth issued by the appropriate authority; or
 - (ii) School identity card, duly signed by the Principal of the school, containing parent's names; and

- (c) any one of the following documents as proof of relationship of the beneficiary with the parent or legal guardian as per the extant Scheme guidelines, namely :—
- (i) Birth Certificate; or Record of birth issued by the appropriate authority; or
 - (ii) Ration Card; or
 - (iii) Ex-Servicemen contributory Health Scheme (ECHS) Card; or Employees' State Insurance Corporation (ESIC) Card; or Central Government Health Scheme (CGHS) Card; or
 - (iv) Pension Card; or
 - (v) Army Canteen Card; or
 - (vi) any Government Family Entitlement Card; or
 - (vii) any other document as specifies by the Department :

Provided further that the above documents shall be checked by an officer specifically designated by the Department for that purpose.

2. In order to provide benefits to the beneficiaries under the Scheme conveniently, the Department through its Implementing Agency shall make all the required arrangements to ensure that wide publicity through media shall be given to the beneficiaries to make them aware of the said requirement.

3. In all cases, where Aadhaar authentication fails due to poor biometrics of the beneficiaries or due to any other reason, the following remedial mechanisms shall be adopted namely:-

- (a) in case of poor finger print quality, iris scan or face authentication facility shall be adopted for authentication, thereby the Department through its Implementing Agency shall make provision for iris scanners or face authentication along with finger-print authentication for delivery of benefits in seamless manner;
- (b) in case the biometric authentication through fingerprints or iris scan or face authentication is not successful, wherever feasible and admissible authentication by Aadhaar One-Time Password or Time-based One-Time Password with limited time validity, as the case may be, shall be offered;
- (c) in all other cases where biometric or Aadhaar One-Time Password (OTP) or Time-based One-Time Password authentication is not possible, benefits under the scheme may be given on the basis of physical Aadhaar letter whose authenticity can be verified through the Quick Response (QR) code printed on the Aadhaar letter and the necessary arrangements of QR code reader shall be provided at the convenient locations by the Department through its Implementing Agency.

4. Notwithstanding anything contained herein above, no child shall be denied benefit under the Scheme in case of failure to establish his identity by undergoing authentication, or furnishing proof of possession of Aadhaar number, or in the case of a child to whom no Aadhaar number has been assigned, producing an application for enrolment. The benefit shall be given to him by verifying his identity on the basis of the other documents as mentioned in clauses (b) and (c) of the proviso of sub paragraph (3) of paragraph 1, and where benefits is given on the basis of such other documents, a separate register shall be maintained to record the same, which shall be reviewed and audited periodically by the Department through its Implementing Agency.

5. This notification shall come into effect from the date of its publication in Official Gazette of Chandigarh Administration.

(F. No. _____)

ARUN KUMAR GUPTA, IAS,
Principal Secretary Education,
Chandigarh Administration.

CHANDIGARH ADMINISTRATION
EDUCATION DEPARTMENT DIRECTORATE SCHOOL EDUCATION

Notification

The 3rd June, 2020

No. 4(7)2020(S)(E).—Whereas, the use of Aadhaar as an identity document for delivery of services or benefits or subsidies simplifies the Government delivery processes, bring in transparency and efficiency, and enables beneficiaries to get their entitlements directly in a convenient and seamless manner by obviating the need to produce multiple documents to prove one's identity ;

And whereas, the Education Department, Chandigarh Administration (hereinafter referred to as the Department) has framed a scheme for administering Merit Scholarship on the basis of 8th Class Annual Examination to the students of 9th Class (hereinafter referred to as the Scheme) through Direct Benefit Transfer, with an object to improve the merit of the students of 8th Class, which is being implemented through the District Education Officer, U.T., Chandigarh (hereinafter referred to as the Implementation Agency) ;

And whereas, under the Scheme, Merit Scholarship on the basis of 8th Class Annual Examination to the students of 9th Class (hereinafter referred to as the benefit) is given to the students of 9th Class (hereinafter referred to as the beneficiaries) by the Implementing Agency as per the extant Scheme guidelines ;

And whereas, the aforesaid Scheme involves recurring expenditure incurred from the Consolidated Fund of India.

Now, therefore, in pursuance of Section 7 of the Aadhaar (Targeted Delivery of Financial and other Subsidies, benefits and Services) Act, 2016 (18 of 2016) (hereinafter referred to as the said Act), the Administrator, Union Territory, Chandigarh Administration hereby notifies the following, namely :—

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(2) Any child desirous of availing the benefit under the Scheme, who does not possess the Aadhaar Number or, has not yet enrolled for Aadhaar, shall be required to make application of Aadhaar enrolment subject to the consent of his parents or guardians, before registering for the Scheme provided that he is entitled to obtain Aadhaar as per Section 3 of the said Act and such children shall visit any Aadhaar Enrolment Centre (list available at the Unique Identification Authority of India (UIDAI) website www.uidai.gov.in) to get enrolled for Aadhaar.

(3) As per the Regulation 12 of the Aadhaar (Enrolment and Update) Regulations, 2016, the Department through its Implementing Agency, is required to offer Aadhaar enrolment facilities for the beneficiaries who are not yet enrolled for Aadhaar and in case there is no Aadhaar enrolment centre located in the respective area of the beneficiaries, the Department through its Implementing Agency shall provide Aadhaar enrolment facilities at convenient locations in coordination with the existing Registrars of UIDAI or by becoming a UIDAI Registrar themselves ;

Provided that till the time Aadhaar is assigned to the child, the benefit under the Scheme shall be given to such children subject to production of the following documents, namely :—

- (a) if the child has been enrolled after attaching the age of five years (with biometric collection), his Aadhaar Enrolment Identification slip, or of bio-metric update identification slip; and
- (b) any one of the following documents, namely :—
 - (i) Birth Certificate; or Record of birth issued by the appropriate authority; or
 - (ii) School identity card, duly signed by the Principal of the school, containing parent's names; and

- (c) any one of the following documents as proof of relationship of the beneficiary with the parent or legal guardian as per the extant Scheme guidelines, namely :—
- (i) Birth Certificate; or Record of birth issued by the appropriate authority; or
 - (ii) Ration Card; or
 - (iii) Ex-Servicemen contributory Health Scheme (ECHS) Card; or Employees' State Insurance Corporation (ESIC) Card; or Central Government Health Scheme (CGHS) Card; or
 - (iv) Pension Card; or
 - (v) Army Canteen Card; or
 - (vi) any Government Family Entitlement Card; or
 - (vii) any other document as specifies by the Department:

Provided further that the above documents shall be checked by an officer specifically designated by the Department for that purpose.

2. In order to provide benefits to the beneficiaries under the Scheme conveniently, the Department through its Implementing Agency shall make all the required arrangements to ensure that wide publicity through media shall be given to the beneficiaries to make them aware of the said requirement.

3. In all cases, where Aadhaar authentication fails due to poor biometrics of the beneficiaries or due to any other reason, the following remedial mechanisms shall be adopted namely :—

- (a) in case of poor finger print quality, iris scan or face authentication facility shall be adopted for authentication, thereby the Department through its Implementing Agency shall make provision for iris scanners or face authentication along with finger-print authentication for delivery of benefits in seamless manner;
- (b) in case the biometric authentication through fingerprints or iris scan or face authentication is not successful, wherever feasible and admissible authentication by Aadhaar One-Time Password or Time-based One-Time Password with limited time validity, as the case may be, shall be offered;
- (c) in all other cases where biometric or Aadhaar One-Time Password (OTP) or Time-based One-Time Password authentication is not possible, benefits under the scheme may be given on the basis of physical Aadhaar letter whose authenticity can be verified through the Quick Response (QR) code printed on the Aadhaar letter and the necessary arrangements of QR code reader shall be provided at the convenient locations by the Department through its Implementing Agency.

4. Notwithstanding anything contained herein above, no child shall be denied benefit under the Scheme in case of failure to establish his identity by undergoing authentication, or furnishing proof of possession of Aadhaar number, or in the case of a child to whom no Aadhaar number has been assigned, producing an application for enrolment. The benefit shall be given to him by verifying his identity on the basis of the other documents as mentioned in clauses (b) and (c) of the proviso of sub paragraph (3) of paragraph 1, and where benefits is given on the basis of such other documents, a separate register shall be maintained to record the same, which shall be reviewed and audited periodically by the Department through its Implementing Agency.

5. This notification shall come into effect from the date of its publication in Official Gazette of Chandigarh Administration.

(F. No. _____)

ARUN KUMAR GUPTA, IAS,
Principal Secretary Education,
Chandigarh Administration.

CHANDIGARH ADMINISTRATION

LABOUR DEPARTMENT

Notification

The 19th March, 2020

No. 13/1/9745-HII(2)-2020/4856.—In exercise of the Powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR(PL) dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. 72/2016 dated 29.01.2020 delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh between:

SANDEEP SHARMA S/O SHRI DEVINDER MOHAN, R/O VILLAGE MAULI BAIDWAN, SECTOR 80, MOHALI (Workman).

AND

1. GROZ BECKERT ASIA PRIVATE LIMITED, REGD. OFFICE 133—135, INDUSTRIAL AREA, CHANDIGARH THROUGH ITS FACTORY MANAGER.
2. FACTORY MANAGER, GROZ BECKERT ASIA PRIVATE LIMITED, REGD. OFFICE 133—135, INDUSTRIAL AREA, CHANDIGARH (Management).

AWARD

1. This award shall dispose off the industrial dispute received in this Court under Section 2-A(2) of the Industrial Disputes Act, 1947 (hereinafter called 'ID Act').

2. Case of the workman in brief is that he was appointed on compassionate ground after death his mother on 16.08.2010 as Technician in Category - I and since then he had been working with diligence and devotion throughout and was never found in wanting in the performance of his duties. After considering his overall good performance his services were regularized with effect from 16.08.2011. He was illegally charge-sheeted as per charge sheet dated 26.09.2015 on the false allegations of habitual absenteeism which allegations are factually incorrect. The workman replied to the charge-sheet and submitted that regarding absence in the year 2013-14 he was earlier charge-sheeted on 04.01.2014 and workman had replied to the same on 06.01.2014 by submitting that absence was not intentional and willful but due to the sickness i.e. back pain which he suffered due to the stress and strain at workplace. In support of his submission he had also submitted medical certificate issued by the Doctor. After perusal of the reply and medical certificates, charge-sheet dated 04.01.2014 was dropped and workman was exonerated. Similarly again the workman was forced to take leave in 2014 due to sudden illness of his son as well as due to the sickness of workman himself. There was no one to look after his son and it was moral and legal duty of workman to be present with his son during his treatment. Absence was not intentional and willful but due to the circumstances beyond the control of the workman. The workman was issued charge-sheet in this respect on 01.07.2014 which was duly replied on 04.07.2014 supported by treatment record of son of the workman as well as that of workman himself. After considering the reply of workman that charge sheet was also dropped as per order dated 04.07.2014 and the workman was exonerated. As regard allegation of absent period in the year 2015 it is submitted that the same was also not intentional & willful but due to the sudden sickness of wife of the workman as well as due to self sickness. The workman had submitted complete treatment record of himself as well as his wife so the absence was not willful & intentional but due to the reasons which were beyond his control. Not satisfied with the reply of workman regular inquiry was ordered to be conducted. The Inquiry Officer did not conduct the inquiry as per rules and law of natural justice. The workman was not given assistance of co-worker. No presenting Officer was appointed and the Inquiry Officer acted as judge as well as prosecutor which is in violation of law of natural justice. He had requested to take the services of Advocate during the inquiry but request of the workman was rejected without any reasons. Though there was no material on record, Inquiry Officer submitted inquiry report against the workman without appreciating the defense of the workman. The workman after receiving copy of

inquiry report made a detailed representation but punishing authority without appreciating the defense of workman dismissed him from service as per order dated 04.02.2016. The charge-sheets, inquiry proceedings as well as punishment order dated 04.02.2016 are illegal and law of natural justice and deserves to be set-aside on the grounds that entire proceedings are illegal and against the law. The charges against the workman are misconceived and absence was not intentional and willful but due to illness of workman as well illness of his son and his wife which facts were duly supported by medical record as submitted by workman to the management from time to time. Mere absence does not amount misconduct but it becomes misconduct only when same absence is proved to be willful and intentional. There is no finding of Inquiry Officer that the absence was intentional and willful. The Inquiry Officer as well as punishing authority ignored the medical record as submitted by workman without any evidence brought on record by the management to disprove the same. Medical certificates are *per se* admissible and is the expert opinion and same cannot be rejected unless and until same is falsified by another medical evidence. No fair and proper inquiry proceedings were conducted by inquiry officer against the workman. No Presenting Officer was appointed and appeared in inquiry proceedings and Inquiry Officer acted as judge as well as prosecutor which act is in violation of law of natural justice. The inquiry report as well as punishment order are perverse and not based on any evidence on record. Defense of workman has not been considered at all. Entire proceedings are biased and the workman has been dismissed for some ulterior motive. In the factory staff became surplus and management floated VRS Scheme to lower down the strength of the workers. The workman was asked time and again to submit his application for VRS but he refused for the same as he has already become overage to seek employment elsewhere and he will come on the road for the rest of his life and he would not be in a position to earn anything to support his family being to only earning member in the family. So the management had chosen this method to oust the workman from service as such action of the management is biased and amounts to un-fair Labour practice. The punishment is too harsh for the alleged misconduct. The workman is at the prima age of his life and he has to shoulder responsibilities of his family which is entirely dependent upon him. The workman have no any other source of income except this job which he has got on compassionate ground after death of his mother. Ultimately, it is prayed that order of dismissal be set aside and the workman be reinstated with continuity of service and full back wages alongwith interest at the rate 12% per annum.

3. The management contested the case of the workman and filed written statement raising preliminary objection that the workman was appointed on 16.08.2010 as Technician and was regularized with effect from 16.08.2011. He was charge sheeted *vide* charge sheet dated 29.09.2015 on the ground of habitual absenteeism, which is a major misconduct as provided under the Certified Standing Orders of the company. The domestic inquiry was ordered to be instituted into the charges against the workman. The workman concerned has been found guilty of the charges by the Inquiry Officer. The workman concerned submitted his reply dated 26.09.2015 to the charge sheet and also submitted his explanation with regard to his absence in the years 2013 and 2014 wherein he voluntarily admitted the charge of remaining absent from duty without any intimation and prior sanction of leave and requested for lenient view for his willful absence from duty. The management took a lenient view in the matter and warned the workman to be careful in future and not to repeat such acts of misconduct in future failing which strict disciplinary action would be taken against him as per Certified Standing orders of the company. The workman concerned was charge sheeted *vide* charge sheet dated 04.07.2014 for remaining absent from duty without any intimation or prior sanction of leave, etc. The workman submitted his reply to the charge sheet wherein he assured that he would not repeat similar misconduct in future. The management warned him to be careful and not to repeat such misconduct subject to the condition that in case he again committed such misconduct, the management would be at liberty to reopen his case and take necessary action against him as per certified standing orders of the company. The workman despite repeated warnings again remained absent from duty without any intimation or sanction of leave for which he again tendered written apology *vide* his letter dated 30.07.2014 and the management another time had to take a lenient view in the matter and again warned the workman concerned to be careful in future *vide* letter dated 16.08.2014. The workman remained absent from duty in an unauthorized manner i.e. without any intimation or prior sanction of leave from the competent authority. The whole conduct of the workman amounts to habitual absence form duty unauthorized. The workman concerned was habitual in remaining absent from duty on various occasions in the past without any intimation and prior sanction of leave from the competent authority for which he was

charge-sheets and let off with the warning by taking a lenient view but the workman failed to show any improvement and mend his ways and continued remaining absent from duty without any intimation or prior sanction of leave. After having found his explanation to the charge sheet dated 26.09.2015 un-satisfactory, domestic inquiry was instituted to enquire into the imputation of misconduct against the workman. The Inquiry officer conducted a fair and proper enquiry and gave full opportunity to the workman concerned to defend his side. The principles of natural justice were fully complied with. Shri Mandeep Singh Chahal was appointed as the management's representative *vide* letter dated 05.10.2015 addressed to the Inquiry Officer with a copy of Shri Mandeep Singh Chahal and Shri Sandeep Sharma, workman concerned. Shri Mandeep Singh Chahal used to represent the management during inquiry proceedings from time to time. The request of the workman concerned to be represented by an Advocate during inquiry proceedings was declined by the Inquiry Officer as there was no provision in the certified standing orders of the company. The Inquiry Officer submitted his enquiry report which is duly based on evidence led by both the parties during inquiry proceedings before him. Before passing the dismissal order, the workman was issued a show cause notice and also was given opportunity of personal hearing by the disciplinary authority. The written comments so submitted by the workman to the findings of the Inquiry Officer were considered by the management along with the inquiry proceedings, findings of the Inquiry Officer, past record of the workman and the gravity of the misconduct so proved in the inquiry and thereafter, passed the dismissal order of the workman. The inquiry proceedings as well as dismissal order of the workman are legal, just, proper, justified and in accordance with the principles of natural justice as action of the management with law, just, proper & in accordance with law. Major misconduct of habitual absenteeism has been fully proved by the Inquiry Officer during the course of inquiry proceedings. The charge of willful absence from duty was duly proved during the course of enquiry proceedings. The management has given full opportunity to the workman concerned to prove his innocence by initiating inquiry proceedings. Due to written apology, the workman was let off with warning not to repeat such misconduct in future but the workman did not show any improvement at all and in the given circumstances, the management was constrained to take strict disciplinary action against him in order to maintain punctuality and discipline in the Company. Misconduct of habitual absenteeism is a major misconduct as provided and defined under the Certified Standing Orders of the company. The dismissal order has been passed against the workman in view of the gravity of charges so established and the findings of the Inquiry Officer. The procedure adopted is exactly as per the Certified Standing Orders of the Company. Once, it is proved beyond doubt that the workman remained absent from duty un-authorisedly and his habitual absence is without permission. The medical record was duly considered and discussed by the Inquiry Officer in his report and in view of the reasons explained in inquiry report the workman has not been given any benefit on this account. The workman during the course of enquiry proceedings gave in writing to the inquiry officer on 26.11.2015 that he did not want to take the assistance of any co-worker as he wants to defend his case of his own. The Inquiry Officer has rightly declined the request of the workman for engaging an advocate during inquiry in view of the provisions of the certified standing orders of the company. The VRS Scheme is a voluntary scheme and there is no compulsion on any employee to opt for it. Other averments of the case of the workman were denied and ultimately, it is prayed that the claim of the workman be dismissed.

4. From the pleadings of the parties, following issues were framed by the then Presiding Officer:—

1. Whether the services of the workman were terminated illegally by the management, if so, to what effect and to what relief he is entitled to, if any ? OPW
- 1-A. Whether the domestic inquiry conducted by the management is illegal & is liable to be vitiated ? OPW
2. Relief.

5. In support of the case, the workman stepped into the witness box as AW1. Learned representative for the workman closed the evidence. On the other hand, the management examined Shri A.S. Raikhy - Inquiry Officer as MW1. Learned representative for the management tendered into evidence some documents and closed the evidence.

6. I have heard learned representatives for the parties and have gone through the file carefully. My findings on the issues framed in this case are as follows:—

ISSUE No. 1 & 1-A :

7. Onus to prove both these issue was on the workman and to discharge the same learned representative for the workman has examined the workman as AW1, who deposed that he was appointed on compassionate ground after the death of his mother on 16.08.2010 as Technician and since then he had been working with diligence & devotion throughout. After considering his overall good performance his services were regularised on 16.08.2011. He was charge sheeted on 26.09.2015 on false allegations of habitual absenteeism. He filed reply to the charge sheet that earlier he was charge sheeted on 04.01.2014 and he had replied the same submitting that the absence was not intentional and wilful but due to sickness as such the charge sheet dated 04.01.2014 was dropped. Similarly he was forced to take leave in 2014 due to sudden illness of his son and he was charge sheeted on 01.07.2014 which was duly replied. After considering his reply, that charge sheet was also dropped. Absence period in the year 2015 was also not intentional & wilful but due to sudden sickness of his wife and himself. Not satisfied with his reply regular inquiry was ordered to be conducted. The Inquiry Officer did not conduct the inquiry as per rules & law of natural justice. The charges against himself was misconceived and his absence was not intentional & willful. Entire proceedings are biased and he has been dismissed for ulterior motive.

8. Learned representative for the workman has argued that he was appointed as Technician Category -I on 16.08.2010 on compassionate ground after the death of his mother and due to his good performance his services were regularised. He argued that he was earlier charge sheet on 04.01.2014 and then on 26.09.2015 on the ground of habitual absenteeism with the same allegations that were levelled in the year 2013 & 2014. The charge sheet was duly replied and it is argued that no misconduct alleged to have been committed by the workman. There is no charge sheet against the workman and absence of the workman was wilful and intentional. The absence of the duty becomes misconduct only if the same is wilful and intentional. He has placed reliance on citation **Krushnakant B. Parmar Versus Union of India & Another**, 2012(2) SCT 572; **Harbans Singh Versus The Presiding Officer & Others**, CWP No. 11532 of 2013 decided on 04.12.2014 by Hon'ble Punjab & Haryana High Court; **Chhel Singh Versus M. G. B. Gramin Bank Pali & Others**, 2015 AIR (SC) 598. It is further argued that once for the alleging absence in the year 2013 & 2014 the workman was already punished so the same cannot be part of subsequent charge sheet and it shall amounts to punishing twice for the same misconduct. He has placed reliance on citations **Nand Kumar Verma Versus State of Jharkhand & Others**, 2012(3) SCT 192 (SC); **Kumar P. Versus State of Tamil Nadu, Rep. by its Secretary to Government, Labour Employment Department, Chennai - 9 & Others**, 2010(16) SCC 679 (Madras) and **Tejwant Singh Versus State of Punjab & Others**, 2017(2) SCT 596 (P&H). The charges sheet is misconceived and no misconduct is made out. Further it is argued that the Inquiry Officer took on record Exhibit '2' to '16' and subsequently relied upon them for returning his findings against the workman without examining any witness and without seeking any opportunity of cross-examination to the workman. In support of this submission learned representative for the workman has place reliance on citations **L.I.C. of India & Another Versus Ram Pal Singh Bisen**, 2010(4) SCC 491 and **M/s Nicks (India) Tools Versus Ram Surat**, 2004(4) SCT 130 (SC). During the inquiry proceedings the workman requested the Inquiry Officer to summon the Doctor concerned. The Inquiry Officer is duty bound to summon the defence witness and he has placed reliance on citations **State of Punjab Versus Devinder Pal**, 2001(4) SCT 408 (P&H); **R. Shamanna Versus The State Bank of Mysore, Bangalore**, 2003 ILR (Karnataka) 4467 and **Union of India & Others Versus Prakash Kumar Tandon**, 2009(2) SCC 541. Further the punishment of dismissal from service is disproportionate to the alleged conduct. He has placed reliance on citation **Rajasthan Tourism Development Corporation Limited & Another Versus Jai Raj Singh Chauhan**, 2011(13) SCC 541 and **Raghubir Singh Versus General Manager, Haryana Roadways, Hissar**, 2014(4) SCT 262 (SC). He prayed for setting aside the dismissal order and reinstatement of the workman with continuity of service and full back wages.

9. On the other hand, learned representative for the management has examined Shri A. S. Raikhy - Inquiry Officer as MW1, who deposed that he was appointed as Inquiry Officer *vide* letter dated 05.10.2015. He sent a letter dated 09.10.2015 to the workman whereby he was intimated regarding holding of inquiry. The proceedings were recorded in Hindi, list of witnesses and copies of documents on which the management relied upon were supplied to the workman. Sufficient opportunity was given to the workman. The management witnesses were examined in the presence of the workman but he did not cross-examine MW1 Shri Ajay Kumar Patyal and only cross-examined MW2 Shri Rajeev Arora. He further deposed that the workman moved an application Exhibit '18' to the management and copy endorsed to the Inquiry Officer. In the application the workman stated that as a part of his evidence he is submitting medical certificate, in case the company did not accept the medical certificate then the Doctors who had issued the medical certificate may be summoned. The workman requested that in case the company did not agree to the request then he may be allowed to engage his personal Advocate from outside. He deposed that it was made clear to the workman that producing witnesses in the inquiry in his support was his responsibility. On 17.12.2015 the workman refused to sign the proceedings although he had marked his presence in the beginning of the inquiry. Copy of the proceedings was sent to him under registered cover *vide* Exhibit '19'. The workman participated in the inquiry proceedings and did not wish to say anything in addition to what he has already submitted his application dated 17.12.2015 Exhibit 18. He submitted his report dated 23.01.2016 which bears his signatures. The original inquiry file is Exhibit 'MX1'.

10. Learned representative for the management has argued that the workman had already been dismissed from the service on 04.02.2016 for the proved major conduct of habitual absence without permission. He was also earlier charge sheet on 04.01.2014 then on 01.07.2014 he was again charge sheeted. The workman was warned again and again to be careful in future rather three times he has been warned. But he again absented from his duties as such domestic inquiry was conducted against the workman. The Inquiry Officer submitted his report inquiry providing the charges against the workman and there is wilful & intentional absence and further it is the duty of the workman to name the Security Guard to whom the medical certificate was given and to name the Shift Incharge to whom he had shown the medical certificate. He had not summoned the Security Guard. He has placed reliance on citations **Dunlop India Limited Versus Their Workmen; 1972 AIR SC 2326; DTC Versus Sardar Singh, (2004) 7 SCC 574; Shakuntala Devi Versus M/s Dynamic Fashion Private Limited & Others, 2019 LLR 616 (P&H); Chennai Metropolitan Water Supply & Sewerage Board & Others Versus T. T. Murali Babu, 2014(2) SCT 193 (SC); K. I. Varkey Versus Fact Limited, 1993 LLR 263 (Kerala); Anna Transport Corporation, Salem Versus Labour Court, Salem & Another, 1998 LLR 407 (Madras); Modern Food Industries (India) Limited Versus Second Industrial Tribunal, West Bengal & others, 2000 II LLJ 177 (Cal.) and State of Haryana & Another Versus Rattan Singh, 1977(2) SCC 491.** He prayed for dismissal of the present industrial dispute.

11. After giving my careful consideration to the rival contention of both the sides, I find that it is admitted case of the parties that the workman had joined the services of the management as Technician on 16.08.2010 and firstly he was charge sheet on 04.01.2014 for habitual absenteeism, which is Exhibit '9' of inquiry file in which he admitted his unauthorised absence and requested to be excused. He was strictly warned to be careful in future and not to repeat such act of misconduct. It is also nowhere disputed that the second charge sheet for major misconduct of habitual absence without permission was issued *vide* letter dated 01.07.2014 Exhibit '12' of inquiry file. The workman submitted his reply to the charge sheet Exhibit '13' assuring that he will not remain absent in future and again requested to be excused. Then the workman was warned not to repeat such act of absence. The workman again absented from duty for which the workman gave a letter dated 30.07.2014 Exhibit '15' of the inquiry file. He was again warned third time to be careful in future. He was advised to improve his attendance Exhibit '16' of the inquiry file but when he did not mend his ways the management had issued third charge sheet of major misconduct of habitual absence without permission as per Clause 23(II)(I) and (m) of the Certified Standing Orders of the Company. The workman submitted his explanation which was found unsatisfactory. Perusal of the inquiry file reveals that the workman refused to

take the assistance of co-worker as mentioned in the inquiry proceedings 16.10.2015, 29.10.2015, 05.11.2015 and 26.11.2015. The workman also submitted a letter on 26.11.2015 that he did not want to take the assistance of any co-worker. The management representative was appointed *vide* Exhibit '2'. The Inquiry Officer gave his inquiry report and he was found habitual absence without permission. Copy of inquiry report was given to the workman for his comments *vide* Exhibit 'MX2'. The workman submitted his comments Exhibit 'MX3'. Thereafter show cause notice Exhibit 'MX4' was issued to the workman and reply to the show cause notice Exhibit 'MX5' filed by the workman and finally he was dismissed from services *vide* Exhibit 'MX6'. Learned representative for the management also placed on record Certified Standing Orders of the company Exhibit 'M1' and documents Exhibit 'MX1' to 'MX4' *vide* which full & final dues of the workman has already been paid. Further the learned representative for the management referred to cross-examination of AW1 in which he already admitted all the inquiry proceedings and admitted with regard to his earlier charge sheets and also admitted that he has been given full opportunity of hearing. Relevant extract of the cross-examination of workman is as under :—

"It is correct that I was charge sheeted *vide* charge sheet dated 26.09.2015 and I submitted my reply to the charge sheet *vide* letter dated 28.09.2015. It is correct that Shri A.S. Raikhy was appointed as the Inquiry Officer to conduct the inquiry into the said charge sheet. It is correct that I appeared before the inquiry officer on 16.10.2015 without co-worker. I have seen the original inquiry already placed on court file and I admit my signatures of it which is now Exhibit as MX1 containing pages 1 to 73. It is correct that I was advised by the inquiry officer on 16.10.2015 to bring your co-worker but I did not want to get the inquiry conducted, the inquiry officer advised me to participate in the inquiry and bring my co-workers. It is correct that on 29.10.2015 I reiterated that I will not like to inquiry conduct, but the inquiry officer against advised me to participate in the inquiry and bring the co-workers. On this date it was also said by the inquiry officer that in case I did not participate in the inquiry I will be proceeded against *ex parte*. It is correct on 15.11.2015 I appeared before the inquiry officer and stated that I will participate in the inquiry proceedings and sought adjournment. The inquiry officer accepted my request. It is correct that on 26.11.2015 I appeared before the inquiry officer and submitted letter dated 26.11.2015 stating therein I will not take the assistance of any co-workers and will defend my case of my own. Upon asking by the inquiry officer I stated that my decision is final. It is correct that thereafter on 26.11.2015 the copies of the documents on which the management relied upon and list of witnesses were supplied to me. It is correct that the statement of Shri Ajay Kumar Patial and Shri Rajvi Arora were recorded in my presence on 03.12.2015. It is correct that I did not cross-examine Shri Ajay Kumar Patial. I cross-examined only Shri Rajiv Arora.....It is correct that on 12.12.2015 it was clarify by the inquiry officer that it was my duty to bring my witness myself and the inquiry officer had no power to summon the witness. It was also clarify that advocate could not be allowed to take part in the inquiry proceedings as per the certified standing orders of the company. It is correct that on 29.12.2015 I appeared before the inquiry officer and made a statement that I did not want to say any thing more then what I had stated in my letter dated 17.12.2015. On 29.12.2015 I was also cross-examined by the management representative. It is correct that on 29.12.2015 the inquiry was concluded and both the parties were advised to submit their written arguments, if any. It is correct that I do not submit any written arguments. It is correct that the inquiry officer found me guilty of the charges as contained in the charge sheet dated 26.09.2015. It is correct that I received the copy of the inquiry report on 25.01.2016 *vide* Exhibit MX-2. I submitted my reply to the inquiry report *vide* my letter dated 27.01.2016 the same is Exhibit MX-3. It is correct that thereafter a show cause notice dated 30.01.2016 was given to me on 30.01.2016 and the same is Exhibit MX-4. I submitted my reply to the show cause notice *vide* letter dated 01.02.2016 and the same is Exhibit MX-5. Thereafter I was dismissed from service *vide* letter dated 04.02.2016 and the same is Exhibit 'MX6'."

Meaning thereby it is crystal clear that a fair & proper inquiry has been conducted against the workman in accordance with the standing orders of the management and principles of natural justice. Reliance is placed on citation **G. R. Venkateshwara Reddy Versus Karnataka State Road Transport Corporation, Bangalore & Others; 1995(1) LLJ 1011 (Karnataka)** wherein it was held that the Inquiry Officer gave a reasoned and detailed report findings the workman guilty of charges as contained in the charge sheet so the inquiry as well as inquiry report is legal and faultless. Further reliance is placed on citation **M. L. Singla Versus Punjab National Bank Limited & Another, 2019 LLR 3 SC** wherein it was held that the workman participated in the inquiry proceedings. He was given full opportunity at every stage of the proceedings. No prejudice was raised by the workman before the Inquiry Officer. The workman filed reply to the charge sheet and conducted cross-examination of the witness of the management such a detailed inquiry report indicating reasons to the findings cannot be faulted with the absence of any valid reason. Further Hon'ble Supreme Court of India in case **State Bank of Bikaner & Jaipur Versus Nemi Chand Nalwaya, 2011(4) SCC 584** held that when the inquiry against the workman was conducted in a fair & proper manner, the Court will not act as appellate court and reassess the evidence led in the domestic inquiry nor interfere on the ground that another view is possible on the material on record.

12. So far as the arguments of learned representative for the workman that earlier nothing was adverse against him does to inspire the confidence as admittedly the workman was earlier charge sheeted twice. He was issued three warnings for same major misconduct.

13. Another argument addressed by learned representative for the workman was that the workman was given minor punishment earlier and previous charge sheets were dropped. But, in fact, the workman was earlier charge sheeted for major misconduct *vide* Exhibit '9' and '12' of the inquiry file and the workman was also issued warnings *vide* Exhibit '11' under the Clause No.23(III) (b) of the Certified Standing Orders of the management, which is punishment for major misconduct. So argument of the workman that he was given minor punishment and previous charges were dropped is baseless.

14. The next argument of the workman that the workman had already punished for his earlier misconduct is not correct. As per charge sheet Exhibit '5' of the inquiry file, he remained absent without any notice during for 15 days during the period January 2015 to September 2015. Hence, the present amounts to punish the workman twice for the same misconduct is false and rejected.

15. Another argument of the workman that there is no wilful and intentional absence so the same does not become misconduct, does not inspire the confidence of the Court as learned representative for the management had referred Section 5 of the Industrial Employment (Standing Orders) Act, 1946 and referred to page 5 of the Certified Standing Orders Exhibit 'M1', which is as under :—

"7. Leave of absence

(a)

(b) Any workman who desires to obtain leave of absence shall apply on prescribed Form "B" to the manager for the purpose, who may either deal with the matter personally or depute someone else in this behalf.

(c) Applications for leave of absence for less than three day's duration must be made at least 24 hours previous to the time from which the leave is required except on medical grounds or death in the family in which case the application may be made the same day.

(d) Applications for leave of absence for more than three day's duration of a non-urgent character shall be made atleast 7 days previous to the date from which the leave is required. If the leave required is more than 7 days, the provisions of section 79 of the factories Act pertaining to leave shall apply.

(e)"

As such the workman had failed to show either before the Inquiry Officer or before this Court that he had applied for leave for the period of his unauthorised absence for 15 days during the period from January 2015 to 23rd September, 2015. Therefore, the habitual absence whether it is wilful or intentional has no relevance in terms of standing orders. The habitual absenteeism is a serious misconduct so it is well settled law that once the employee who remains on unauthorised absence from duty without any prior intimation to the employer, it is negligence and lack of interest in work and amounts to misconduct as held in citation **DTC Versus Sardar Singh** (*supra*). Further reliance is placed on **State of Punjab Dr. P. S. Singla** (*supra*) in which it was held that where the employee who is unauthorisedly absent does not report back to duty and offer any satisfactory explanation, or where the explanation offered by the employee is not satisfactory, the employer will take recourse to disciplinary action in regard to the unauthorised absence. Such disciplinary proceedings may lead to imposition of punishment ranging from a major penalty like dismissal or removal from service to a minor penalty. In citation **Shakuntla Devi Versus M/s Dynamic Fashion Private Limited & Others** (*supra*) it was held that unauthorised absence is a serious and grave misconduct causing indiscipline at the workplace. Misconduct being grave and serious justifies punishment of termination. In citation **Chennai Metropolitan Water Supply & Sewerage Board & Others Versus T. TR. Murali Babu** (*supra*) it was held that dismissal from service due to absence from duty without intimation is not disproportionate. In citation **K.I. Varkey Versus Fact Limited** (*supra*) it was held that absence from duty without permission and without applying for leave is misconduct and dismissal is justified.

16. Further argument of learned representative for the workman that he had submitted medical certificate, also does not inspire confidence as the learned representative for the management has referred cross-examination the workman conducted during the inquiry proceedings, wherein he himself admitted that he did not submit leave application for his both the medical certificates of 19.08.2015 and 15.09.2015. Though he stated that his father gave medical certificate to the Security Guard at the gate and when he became fit he showed the medical certificate to the Shift Incharge but the workman had not examined these material witnesses i.e. Security Guard and Shift Incharge to prove his stand. So it is well settled law in case titled as **Modern Food Industries (India) Versus Second Industrial Tribunal, West Bengal & Others** (*supra*) that the technical rules of evidence and proof beyond reasonable doubt will not be applicable in domestic inquiry. Further learned representative for the management examined the Inquiry Officer as MW1, who has given his detailed report and findings to the effect that the workman had failed to prove the submission of medical certificate to the company.

17. Last argument of learned representative for the workman that the punishment was proportionate to the gravity of misconduct and the workman is entitled to get the benefit of Section 11-A of the ID Act is also does not carry any weight as no case of consideration under Section 11-A of the ID Act is made out as law is well settled in citation **Chennai Metropolitan Water Supply & Sewerage Board & Other** (*supra*) wherein it is held that an employee, who remained absent from duty without intimation to the employer, his dismissal in such circumstances was not disproportionate. In citation **Anna Transport Corporation, Salem Versus Labour Court, Salem & Another** (*supra*) held that Section 11-A of the ID Act is not meant to be equated to charity. That is not the object of Section 11-A. Petitioner was habitually absented from duty despite imposition of fines. The employer is not required to function as a charity organization. Every organization is established to render efficient service and fulfill the object for which it has set up. The penalty of dismissal from service is confirmed. In citation **Shakuntala Devi Versus M/s Dynamic Fashion Private Limited & Others** (*supra*) it was held that the workman was disobedient and habitual of remaining unauthorized absent from duty. Such misconduct is grave and serious causing indiscipline in the workshop. Inquiry was conducted and was held guilty of the charges. Punishment of termination of her services is not disproportionate.

18. In the light of discussion made above, it is held that a fair & proper inquiry has been conducted against the workman before terminating his services and inquiry conducted is not vitiated on any ground. Both these issues are decided against the workman and in favour of the management.

Relief :

19. In the light of findings on the issues above, this industrial dispute is declined. Appropriate Government be informed. File be consigned to the record room.

The 29.01.2020.

(Sd.),

(ANSHUL BERRY),

PRESIDING OFFICER,
Industrial Tribunal & Labour Court,
Union Territory, Chandigarh.
UID No.PB0095.

Secretary Labour,
Chandigarh Administration.

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